IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1427 OF 2002

Pratap M.Sanghvi ..Petitioner

Vs.

State of Maharashtar & Anr. ..Respondents

Mr.Owen Menezes i/b Daksha Shah for the petitioner

Mr.K.R.Belosay, A.G.P. for the respondent no.1

Mr.M.M.Vashi, Intervenor (respondent no.6)

Mr.S.G.Surana for respondent no.3

Mr.K.N.Kandekar i/b V.Y.Sanglikar for respondent no.4

CORAM : S.U.KAMDAR, J
DATED : 4TH APRIL, 2006

P.C.:

1. The learned counsel for the proposed respondent nos.5 and 6 seeks leave to add themselves as a party to the present petition. All the parties have no objection to them being added as a party respondent nos.5 and 6.

2. The learned counsel for the petitioner on instruction states that he does not desire to prosecute and press the present petition

challenging the declaration of slum in respect of the property which is the subject matter of the present petition.

3. Respondent no.3 as well as respondent no.6 both are claiming to be the Chief Promoters of the proposed society having sufficient support of 70% of the hutment dwellers which are situated on the said property. Both the parties agree that the Additional Collector (Encroachment) being the competent authority be directed to determine the fact that whether the respondent no.3 or respondent No.6 has got support of 70% of the occupiers of the said property. While determining the same, the Additional Collector (Encroachment) will ascertain whether infact they are the occupiers in possession of property as on 1.1.95 and will take into account only those occupiers who establish that as on 1.1.95 they were the occupiers in possession of the said property. The Additional Collector (Encroachment) thereafter will permit the proposed society which has been found to be having sufficient majority to propound the necessary scheme and the same will be processed in accordance

with law. Petition disposed of accordingly. Amendment to be carried out by today itself.